

235059

# CLARK HILL | THORP REED

Eric M. Hocky  
T 215 640 8523  
F 215 640 8501  
Email ehocky@clarkhill.com

Clark Hill Thorp Reed  
One Commerce Square  
2005 Market Street  
Suite 1000  
Philadelphia, PA 19103  
T 215 640 8500  
F 215 640 8501

clarkhillthorpreed.com

November 7, 2013

## VIA FEDEX

Cynthia T. Brown  
Chief, Section of Administration  
Office of Proceedings  
Surface Transportation Board  
395 E Street SW  
Washington, DC 20024

**ENTERED**  
Office of Proceedings

NOV 8 - 2013

**Part of**  
**Public Record**



Re: St. Lawrence & Atlantic Railroad Company -  
Petition for Discontinuance of Service Exemption -  
In Androscoggin and Cumberland Counties, ME  
STB Docket No. AB-1117X  
Petition for Exemption / Motion for Protective Order

Dear Ms. Brown:

Enclosed for filing please find the original and 10 copies of a public version of a Petition for Discontinuance of Service Exemption (the "Petition") being filed on behalf of St. Lawrence & Atlantic Railroad Company. Also enclosed is our check in the amount of \$6700 representing the filing fee therefor.

Because the Petition contains potentially confidential shipper information, we are simultaneously filing an original and 10 copies of a Motion for a Protective Order, and under seal, an original and 10 copies of a confidential version of the Petition.

Please time stamp the additional copy of this letter to indicate receipt of all of the foregoing, and return it to me in the stamped, self-addressed envelope provided for your convenience.

Cynthia T. Brown  
November 7, 2013  
Page 2

Let us know if you have any questions regarding the filing.

Respectfully,

CLARK HILL THORP REED



Eric M. Hocky

EMI/c

Enclosures

cc: All parties shown on service list

PUBLIC VERSION

23505.9

BEFORE THE  
SURFACE TRANSPORTATION BOARD  
STB DOCKET NO. AB-1117X



ST. LAWRENCE & ATLANTIC RAILROAD COMPANY  
-- PETITION FOR DISCONTINUANCE OF SERVICE EXEMPTION --  
IN ANDROSCOGGIN AND CUMBERLAND COUNTIES, ME

PETITION FOR EXEMPTION

ENTERED  
Office of Proceedings  
NOV 8 - 2013  
Part of  
Public Record

**FILED**  
NOV 8 -- 2013  
SURFACE  
TRANSPORTATION BOARD

**FEE RECEIVED**  
NOV 8 2013  
SURFACE  
TRANSPORTATION BOARD

ERIC M. HOCKY  
CLARK HILL THORP REED  
One Commerce Square  
2005 Market Street, Suite 1000  
Philadelphia, PA 19103  
(215) 640-8500  
[ehocky@clarkhill.com](mailto:ehocky@clarkhill.com)

Dated: November 7, 2013

Attorneys for  
St. Lawrence & Atlantic Railroad Company

PUBLIC VERSION

BEFORE THE  
SURFACE TRANSPORTATION BOARD  
STB DOCKET NO. AB-1117X



ST. LAWRENCE & ATLANTIC RAILROAD COMPANY  
PETITION FOR DISCONTINUANCE OF SERVICE EXEMPTION  
IN ANDROSCOGGIN AND CUMBERLAND COUNTIES, ME

ENTERED  
Office of Proceedings

NOV 8 - 2013

Part of  
Public Record

PETITION FOR EXEMPTION

FILE RECEIVED

NOV 9 2013

SURFACE  
TRANSPORTATION BOARD

St Lawrence & Atlantic Railroad Company ("SLR") hereby petitions for an exemption under 49 U.S.C. §10502 from the provisions of 49 U.S.C. §10903 to enable SLR to discontinue service over the line of railroad between the end of the line at M.P. 1.74 near Deering, Cumberland County, Maine, and M.P. 25.97 at the town line between New Gloucester, Cumberland County, Maine and Auburn, Androscoggin County, Maine, a total distance of 24.23 miles (collectively, the "Line"). In support of its request for exemption, SLR represents as follows:

**Background of Proposed Discontinuance**

The Line is only 24.23 miles long and is located in two counties in Maine. It traverses through United States Postal Zip Codes 04101, 04102, 04103, 04104, 04105, 04096 and 04069. Based on information in the possession of SLR, the Line does not contain federally granted rights-of-way. Any documentation in SLR's possession will be made available to those requesting it.

The Line is owned by the State of Maine, and SLR owns an exclusive perpetual freight easement over the Line. *See State of Maine – Petition for Declaratory Order*, STB Docket No. FD 35440 (served December 29, 2010) ("2010 Decision") (relating to the line from M.P. 12.163

to M P. 25.97); and *State of Maine – Acquisition Exemption – Certain Assets of St. Lawrence & Atlantic Railroad Company*, STB Finance Docket No. 35018 (served September 13, 2007) (collectively the “2007 Decision”) (relating to the line from M P. 1.74 to M.P. 12.163). The Line is constructed of 100 lb. rail, and is currently in FRA Class 2 condition

In the late 1990’s and early 2000’s, there were three active customers on the Line shipping over 500 carloads per year, and SLR was providing service three times per week. By late 2006, two of the shippers had closed or moved their operations, and service for the one remaining shipper B&M Beans (parent company B&G Foods Company) was reduced to once per week. B&M Beans is a food product manufacturer, which is located almost at the end of the Line at M.P. 2.4. SLR’s efforts to market the Line for additional business have been unsuccessful, and B&M Foods remains the only active customer on the Line.

Even the business for B&M Beans has shown a decline, from { } carloads per year in the early 2000’s, to { } carloads in the 12 months between June 1, 2012 and May 31, 2013.<sup>1</sup> The freight is all inbound dried beans. B&M Beans also uses trucks to handle some of its inbound ingredients, and all of its outbound products. Because the line is stub-ended, there is no overhead traffic on the Line.

For the Base Year,<sup>2</sup> SLR earned gross revenues of { } on the traffic moved on the Line. However, based on the number of carloads shipped from May 31, 2013 to October 31, 2013, it is forecast that B&M Beans will only ship { } cars of inbound product for the Forecast Year, resulting in a decrease in the gross revenue . { } for the Forecast Year. Given the

<sup>1</sup> Carloads for the 12 months prior to that were { }

<sup>2</sup> For the purposes of this Petition, SLR is considering June 1, 2012 through May 31, 2013 as the “Base Year,” and June 1, 2013 through May 31, 2014 as the “Forecast Year.”

location of B&M Beans, and the estimated number of carloads, the annual level of traffic for the Forecast Year is approximately [ ] carload per mile, and only [ ] carload a month.

SLR, as a Class III carrier, is not required to keep on-branch and off-branch costs, and therefore does not have specific records of the maintenance spent on the Line. The Board has in the past accepted approximately \$6,500 per mile as a reasonable estimate of the costs of maintaining a Line in FRA Class 1 track condition *Burlington Northern Railroad Company – Abandonment – In Crawford and Labette Counties, KS*, ICC Docket No. AB-6 (Sub-No. 300) (February 1, 1989), 1989 ICC LEXIS 22, at \*17 (finding BN's estimated annual maintenance cost of \$6,418 – in 1989 – as “very reasonable”).<sup>3</sup> This estimate would equate to a maintenance cost of \$157,495 per year. In addition, the annual crew cost for providing service to B&M Foods at the current level of traffic is approximately \$12,560. See Exhibit B attached hereto.

Thus, the revenue from the Line barely covers the crew costs, and certainly does not cover the estimated maintenance costs and the additional costs of operating rail service (including FRA-mandated track, signal and bridge inspections, locomotive depreciation, fuel and equipment maintenance and off branch costs). Thus, continued operation of the Line would create a burden on SLR and on interstate commerce.

SLR attempted to reduce the burden of the Line by selling the assets comprising the Line to the State of Maine, Department of Transportation (“MaineDOT”)<sup>4</sup>; however, traffic has

---

<sup>3</sup> SLR believes that the maintenance costs for this Line located in Maine would likely be higher given the costs for snow removal, plowing tracks, and salting and plowing of crossings. While SLR believes its costs of maintaining this Line are higher, it accepts the estimate for the purpose of this Petition.

<sup>4</sup> See *State of Maine – Petition for Declaratory Order* (STB Docket No. FD 35440) (served December 29, 2010).

continued to fall and SLR cannot maintain and operate the Line profitably. SLR now seeks an exemption to discontinue service over the Line

B&M Beans's current level of traffic does not justify the continued operation and maintenance of the Line in safe operating condition. SLR should not be required to continue what would clearly be unprofitable operations.

As noted above, B&M Beans already handles much of its traffic by truck, and SLR believes that there is sufficient truck availability to handle the additional volume that is currently being handled by rail. By electing discontinuance instead of abandonment, if sufficient volumes of traffic would be generated by either B&M Beans or new customers that would seek to locate on the Line, then SLR would have the ability to restore service over the Line. Additionally, because SLR is only seeking discontinuance authority, the tracks and structures (owned by the State) will be left in place, and remain available for any potential passenger service should the State determine that it is the appropriate time to start such service.

**Discontinuance of Service Over the Line Should Be Exempted**

The discontinuance of service by SLR over the Line would require authorization pursuant to 49 U.S.C. §10903 unless the exemption requested herein is granted. The Board is directed by 49 U.S.C. §10502 to grant an exemption if it finds that (1) regulation is not necessary to carry out the rail transportation policy of 49 U.S.C. §10101, and (2) either the transaction is limited in scope or regulation is not needed to protect shippers from the abuse of market power.

Under 49 U.S.C. §10502 and 49 C.F.R. §1152.60, there is no requirement for a carrier to submit all of the detailed financial data that would be required if discontinuance authority were being sought under 49 U.S.C. §10903 and the regulations relating thereto. Indeed, there is no

specific requirement that any financial data be submitted.<sup>5</sup> Although the proposed discontinuance here is not eligible for the two year out of service class exemption because the Line has had a minimal amount of traffic during the past two years, it is clear from the limited cost data that SLR has provided that projected costs of maintaining and operating the Line exceed the revenues that will be earned from the one remaining on-line shipper.

This discontinuance of only 24 miles of rail line located in two counties in Maine does not require detailed scrutiny to carry out the rail policies of 49 U.S.C. §10101, and is in keeping with the Board's overall policy of removing unnecessary regulatory barriers from carriers. Traffic has been minimal, with the Base Year reflecting less than [ ] carload per mile and less than [ ] carload every two weeks, and the Forecast Year expecting [ ] carload per mile and only [ ] carload a month (The Line is stub-ended, and there is no overhead traffic that can use the Line.) As will be discussed more fully below, it is clear that the ongoing costs of maintenance and operation that would be required to provide the service exceed the potential revenue that would be generated on the Line under current projections. Approval of the requested exemption under 49 U.S.C. §10502 will enable SLR to discontinue service over the Line without the extensive costs and delays that would otherwise occur if an application were required to be filed under Section 10903. Further, granting the exemption is in keeping with the following rail policies described in 49 U.S.C. §10101:

---

<sup>5</sup> Requirements to the contrary would run counter to the principal goals of an exemption proceeding. As the Interstate Commerce Commission found with respect to the two year out-of-service class exemption under 49 C.F.R. §1152.50: "The exemption process now relieves carriers from the need to prepare the costing and valuation studies that are required for Section 10903 abandonment applications. This saves the carriers considerable time and money and allows for expeditious regulatory relief" *Exemption of Rail Line Abandonments or Discontinuance - Offers of Financial Assistance*, 4 ICC 2d 164 (1987).



\* \* \*

(2) to minimize the need for Federal regulatory control over the rail transportation system and to require fair and expeditious regulatory decisions when regulation is required;

(3) to promote a safe and efficient rail transportation system by allowing rail carriers to earn adequate revenues...

\* \* \*

(5) to foster sound economic conditions in transportation...

\* \* \*

(7) to reduce regulatory barriers to entry into and exit from the industry ..

\* \* \*

(9) to encourage honest and efficient management of railroads;

\* \* \*

(15) to provide for the expeditious handling and resolution of all proceedings

Moreover, the grant of the exemption will not be inconsistent with any of the 15 items which have been made a part of rail transportation policy by 49 U.S.C. §10101.

The scope of the exemption requested is limited and will have limited direct impact on shippers. There is only one remaining active on-Line shipper located near the very end of the Line. That shipper has motor carrier alternatives and does not need to rely on rail service for its business.

Since the proposed transaction is of limited scope, it is not necessary for the Board to consider whether shippers need to be protected from abuse of market power. However, even if the Board were to consider market power, it is clear that shippers do not need to be protected from its abuse. As noted above, there is only one active shipper. Since this shipper has (and

regularly uses) other transportation alternatives, regulation is not needed to protect it from abuse of market power. See *Delta Southern Railroad, Inc. – Abandonment Exemption – In Desha and Chicot Counties, Ark.* STB Docket No. AB-384 (Sub-No. 3X), served March 23, 2011, at 3; *Minnesota Northern Railroad, Inc – Abandonment Exemption – Between Redland Jct and Fertile, in Polk County, MN*, STB Docket No. AB-497 (Sub-No. 2X) (served November 14, 1997), 1997 STB LEXIS 294 at \*24. No formal complaint by a user of rail service on the Line, or a state or local government entity acting on behalf of such a user, regarding cessation of service over the Line either is pending with the Board or any U.S. District Court or has been decided in favor of a complainant within the last two years.

**Additional Information**

Although not required under the Board's regulations for discontinuance petitions for exemption, SLR hereby provides the following additional information that would be required under 49 C.F.R. 1152.50(d)(2) and 1152.22 if the discontinuance were sought pursuant to the Board's class exemption:

(a)(1) The exact name of Applicant is: St. Lawrence & Atlantic Railroad Company.

(a)(2) SLR is a common carrier by rail subject to 49 U.S.C. Subtitle IV, chapter 105. SLR currently holds the common carrier operating freight authority for the Line and a permanent unrestricted freight easement, while the State of Maine owns the assets comprising the Line.

(a)(3) SLR seeks to discontinue service over the Line.

(a)(4) A map of the Line is attached as Exhibit A

(a)(7) The representative of SLR to whom correspondence should be sent is: Eric M. Hocky, Clark Hill Thorp Reed, One Commerce Square, 2005 Market St, Suite 1000, Philadelphia, PA 19103.

(a)(8) The Line traverses through United States ZIP Codes 04101, 04102, 04103, 04104, 04105, 04096 and 04069.

(c)(4) The Line will not be suitable for use for other public purposes since only discontinuance authority is sought. In any event, the Line is owned by the State of Maine which holds the rights to use the Line for passenger service.

SLR proposes to consummate the discontinuance at the earliest possible date permitted by the Board.

#### **Employee Protection**

Although no employees of SLR are expected to be affected by the discontinuance, SLR recognizes that the discontinuance will be made subject to the employee protective conditions in *Oregon Short Line Railroad Co --Abandonment--Goshen*, 360 ICC 91 (1979).

#### **Public and Trail Use Conditions**

Because this is a discontinuance proceeding and not an abandonment, interim trail use/rail banking and public use conditions are not appropriate. *See Blacklands Railroad, Inc – Discontinuance Exemption – In Rusk County, Tex.*, STB Docket No. AB 1108X (Served April 3, 2013); *CSX Transportation, Inc. – Discontinuance of Service Exemption - In Raleigh County, W Va*, STB Docket No AB 55 (Sub-No 725X ) (served September 11, 2012); *Norfolk Southern Railway Company – Discontinuance of Service Exemption – In St Joseph and LaPorte Counties, IN*, STB Docket No. AB-290 (Sub-No. 307X) (served June 18, 2008); *Everett Railroad Company – Discontinuance of Service Exemption – In Blair County, PA*, STB Docket No. AB-721X (served November 16, 2007); *Columbus and Greenville Railway Company – Discontinuance of Service Exemption – In Greenwood, MS*, STB Docket No. AB-297 (Sub-No. 103X) (served July 2, 2007).

**Environmental and Historic Reports**

Because this is a discontinuance and not an abandonment, SLR will not be disposing of or altering the Line or any structures that are 50 years old or older. An environmental and historic report is not required for a discontinuance. *See Blacklands Railroad, Inc. – Discontinuance Exemption – In Rusk County, Tex*, STB Docket No. AB 1108X (Served April 3, 2013), *CSX Transportation, Inc – Discontinuance of Service Exemption - In Raleigh County, W Va*, STB Docket No. AB 55 (Sub-No. 725X ) (served September 11, 2012); *Norfolk Southern Railway Company – Discontinuance of Service Exemption – In St. Joseph and LaPorte Counties, IN*, STB Docket No. AB-290 (Sub-No. 307X) (served June 18, 2008); *Everett Railroad Company – Discontinuance of Service Exemption – In Blair County, PA*, STB Docket No. AB-721X (served November 16, 2007), *Columbus and Greenville Railway Company – Discontinuance of Service Exemption – In Greenwood, MS*, STB Docket No. AB-297 (Sub-No. 103X) (served July 2, 2007).

**Notice**

Pursuant to the provisions of 49 C.F.R. §1152.60(c), Applicants have attached, as Exhibit C, a draft Federal Register notice of its Petition to be published by the Board within 20 days of the Petition's filing with the Board. The form of notice has been modified to reflect that this proceeding involves a discontinuance and not an abandonment.

A notice as required by 49 C.F.R. §1105.12 was published on October 2, 2013 in the *Sun Journal* and in the *Portland Press Herald*. A copy of the notice, and the proofs of publication are attached as Exhibit D.

***PUBLIC VERSION***

A copy of this Petition is being sent to the persons designated in 49 C.F.R. §1152.50(d), as well as to the only shipper who used the Line in the Base Year, and in the calendar year prior to the Base Year

**Conclusion**

For the foregoing reasons, SLR requests that the Board, under 49 U.S.C. §10502, exempt its discontinuance of service over the Line from regulation under 49 U.S.C. §10903.

Respectfully submitted,



ERIC M. HOCKY  
CLARK HILL THORP REED  
One Commerce Square  
2005 Market Street, Suite 1000  
Philadelphia, PA 19103  
(215) 640-8500  
[ehocky@clarkhill.com](mailto:ehocky@clarkhill.com)

Dated: November 7, 2013

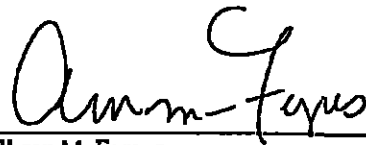
Attorneys for  
St. Lawrence & Atlantic Railroad Company

**PUBLIC VERSION**

**Verification**

I hereby verify on behalf of St. Lawrence & Atlantic Railroad Company, under penalty of perjury that the foregoing is true and correct. Further, I certify that I am qualified and authorized to file this Verification.

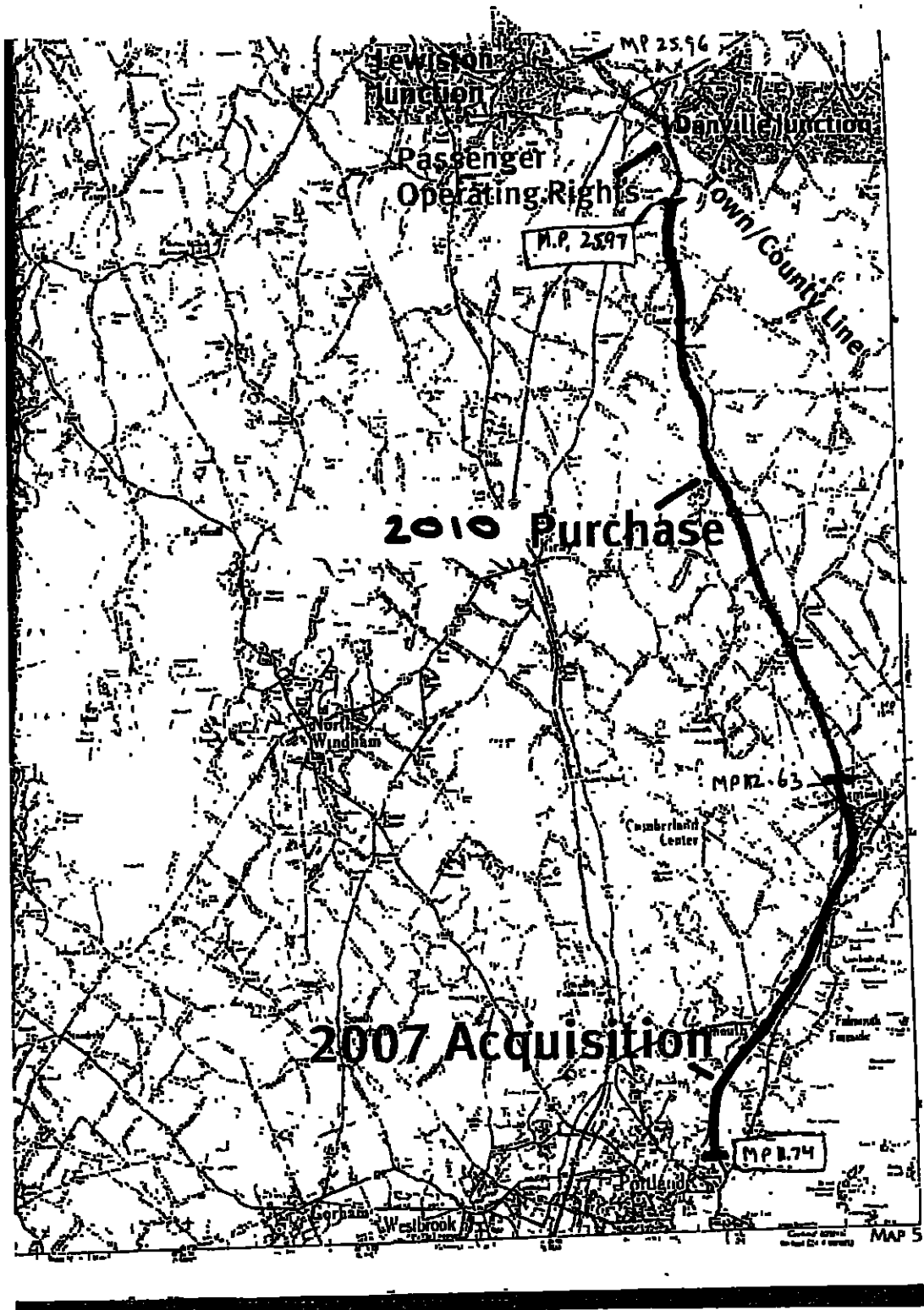
Executed on November 7, 2013.

A handwritten signature in cursive script, appearing to read "Allison M. Fergus", written over a horizontal line.

Allison M Fergus  
Secretary

**EXHIBIT A**

**MAP**





**EXHIBIT B**

**COSTS OF SERVICE**

**CREW COSTS FOR BASE YEAR**

Two man crew

Running Time to and from Customer      6.0 hours (3.0 hours each way)

Switching and Administrative Time      2.0 hours

Total Time per Trip      8.0 hours

Crew Cost      \$502.23

Crew Cost for Base Year      \$12,555.75  
(25 trips)

***PUBLIC VERSION***

**EXHIBIT C**

**DRAFT FEDERAL REGISTER NOTICE**

**DEPARTMENT OF TRANSPORTATION**

**Surface Transportation Board**

**[Docket No. AB-1117X]**

**ST. LAWRENCE & ATLANTIC RAILROAD COMPANY  
- PETITION FOR DISCONTINUANCE OF SERVICE EXEMPTION –  
IN ANDROSCOGGIN AND CUMBERLAND COUNTIES, ME**

**Notice of Petition for Exemption to Discontinue Service**

On November 8, 2013, St. Lawrence & Atlantic Railroad Company ("SLR") filed with the Surface Transportation Board, Washington, D.C. 20423, a petition for exemption for the discontinuance of service over a line of railroad between the end of the line at M.P. 1.74 near Deering, Cumberland County, Maine, and M.P. 25.97 the town line between New Gloucester, Cumberland County, Maine and Auburn, Androscoggin County, Maine, a total distance of 24.23 miles (the Line). The Line traverses through United States Postal Service ZIP Codes 04101, 04102, 04103, 04104, 04105, 04096 and 04069, and includes one station at Yarmouth. According to the petition, the Line is stub-ended and therefore not capable of handling overhead traffic.

SLR states that the Line does not contain federally granted rights-of-way. Any documentation in SLR's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by Oregon Short Line Railroad Co. - Abandonment - Goshen, 360 I.C.C. 91 (1979).

By the issuance of this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. §10502(b). A final decision will be issued no later than \_\_\_\_\_ (90 days after filing).

**PUBLIC VERSION**

Any offer of financial assistance (OFA) under 49 C.F.R. §1152.27(b)(2) to subsidize continued rail service will be due not later than 10 days after service of a decision granting the petition for exemption. Each OFA to subsidize continued rail service must be accompanied by the required filing fee, which is currently set at \$1600. See 49 C.F.R. §1002.2(f)(25).

Because this is a discontinuance proceeding and not an abandonment, interim trail use/rail banking and public use conditions are not appropriate. Similarly, no environmental or historic documentation is required under 49 C.F.R. §§1105.6(c)(2) and 1105.8(b).

All filings in response to this notice must refer to Docket No. AB 1171X, and must be sent to: (1) Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001; and (2) SLR's representative Eric M. Hocky, Clark Hill Thorp Reed, 2005 Market Street, Suite 1000, Philadelphia, PA 19103. Replies to the petition are due on or before \_\_\_\_\_.

Persons seeking further information concerning discontinuance procedures may contact the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245-0238, or refer to the full discontinuance regulations at 49 C.F.R. Part 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis at (202) 245-0305. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339.

Board decisions and notices are available on our website at [WWW.STB.GOV](http://WWW.STB.GOV).

Decided: \_\_\_\_\_

By the Board, Rachel D. Campbell, Director, Office of Proceedings

***PUBLIC VERSION***

**EXHIBIT D**  
**NEWSPAPER NOTICE**

**NOTICE OF INTENT TO DISCONTINUE RAIL SERVICE**

St. Lawrence & Atlantic Railroad Company (SLR) gives notice that on or about October 9, 2013, it intends to file with the Surface Transportation Board (STB), Washington, DC 20423, a petition for exemption under 49 USC 10502 from the prior approval requirements of 49 USC 10903, *et seq.*, permitting the discontinuance of service over the 24.23 mile line of railroad between the end of the line at M.P. 1.74 near Deering, Cumberland County, Maine, and M.P. 25.97 at the town line between New Gloucester, Cumberland County, Maine and Auburn, Androscoggin County, Maine (the Line). The Line traverses through United States ZIP Codes 04101, 04102, 04103, 04104, 04105, 04096 and 04069. The SLR proceeding will be docketed as STB Docket No. AB-1117X.

Because the proposed action entails the discontinuance of service over the Line, rather than abandonment, no environmental or historic documentation is required under 49 CFR 1105.6 and 1105.8.

Appropriate offers of financial assistance to subsidize rail service can be filed with the STB.

Trail use / rail banking and public use condition requests are not appropriate in discontinuance proceedings.

An original and 10 copies of any pleading that raises matters other than environmental issues (such as offers of financial assistance) must be filed directly with the STB's Section of Administration, Office of Proceedings, 395 E Street, S.W., Washington, DC 20423-0001 [see 49 CFR 1104.1(a) and 1104.3(a)], and one copy must be served on applicant's representative [see 49 CFR 1104.12(a)]. Questions regarding offers of financial assistance may be directed to the STB's Office of Public Assistance, Governmental Affairs and Compliance at 202-245-0238. Copies of any comments or requests for conditions should be served on SLR's representative, Eric M. Hocky, Esquire, Clark Hill Thorp Reed, One Commerce Square, 2005 Market Street, Suite 1000, Philadelphia, PA 19103; 215-640-8500.

# Sun Journal

Connecting you with your community

10/07/13

CLARK HILL / THORP REED  
ATTN: CAROL LYDON  
2005 MARKET ST. SUITE 1000  
PHILADELPHIA, PA 19103

TO WHOM IT MAY CONCERN.

We hereby certify that the following:

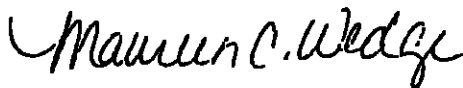
**LEGAL AD NOTICE OF INTENT TO DISCONTINUE RAIL SERVICE**

was published in the DAILY Sun-Journal a newspaper having its principal place of business in the County of Androscoggin. With general circulation in the Counties of Androscoggin, Franklin and Oxford

Date(s) Published: 10/2/2013


Tearsheet (s) ENCLOSED  
Invoice ENCLOSED

Sun-Journal/SUNDAY  
Lewiston, Me



Maureen Wedge  
Vice President/Human Resources

Subscribed and sworn to before me this 7TH Day of OCTOBER, 2013 at Lewiston, in the County of Androscoggin, in the State of Maine

  
NOTARY PUBLIC  
Expires Sept 4, 2016

104 PARK STREET • PO BOX 4400 • LEWISTON, MAINE • 04243-4400

207-784-5411 • toll free 800-482-0753 • advertising fax 207-784-5955 • news fax 207-777-3436





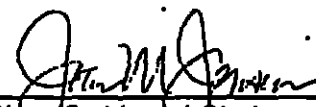
# Portland Press Herald

## Maine Sunday Telegram


www.pressherald.com

**PUBLIC NOTICE**  
**NOTICE OF INTENT TO DISCONTINUE RAIL SERVICE**  
 St. Lawrence & Atlantic Railroad Company (SLR) gives notice that on or about October 9, 2013 it intends to file with the Surface Transportation Board (STB), Washington, DC 20423 a petition for exemption under 49 USC 10502 from the prior approval requirements of 49 USC 10505 et seq. permitting the discontinuance of service over the 24.23 mile line of railroad between the end of the line at M & I 24 near Deering, Cumberland County, Maine and M & P 25 97 at the town line, between, New Gloucester, Cumberland County, Maine and Auburn, Androscoggin County, Maine (the line). The line traverses through United States ZIP Codes 04101, 04102, 04103, 04104, 04105, 04096 and 04098. The SLR proceeding will be docketed as STB Docket No. AB-1117X. Because the proposed action entails the discontinuance of service over the line, rather than abandonment, no environmental or historic documentation is required under 49 CFR 1105.6 and 1105.8. Appropriate offers of financial assistance to subsidize rail service can be filed with the STB. Trail use / rail banking and public use condition requests are not appropriate in discontinuance proceedings. An original and 10 copies of any pleading that raises matters other than environmental issues (such as offers of financial assistance) must be filed directly with the STB's Section of Administration, Office of Proceedings, 335 E Street, S.W., Washington, D.C. 20423-0001, (see 49 CFR 1104.11a) and 1104.11b), and one copy must be served on applicant's representative (see 49 CFR 1104.12(a)). Questions regarding offers of financial assistance may be directed to the STB's Office of Public Assistance, Governmental Affairs and Compliance at 202-243-0235. Copies of any comments or requests for conditions should be served on SLR's representative, Eric M. Hocky, Esquire, Clark Mill Thorpe Reed One Commerce Square, 20051 Market Street, Suite 1000, Philadelphia, PA 19103, 215-640-8500. E-mail: A. 54923305

I, Joan M. Jensen, Classified  
 Legal Clerk of the Portland Press  
 Herald and Maine Sunday Telegram  
 newspapers of Portland, Maine, do  
 hereby certify that the attached  
 advertisement appeared in the  
 October 2, 2013 edition of the  
 Portland Press Herald.

  
 Classified Legal Clerk

Subscribed and sworn to before me  
 this 18<sup>th</sup> day of October, 2013

  
 Notary Public

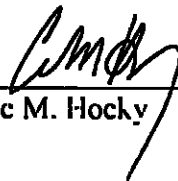
My commission expires

March 9, 2020



**CERTIFICATE OF SERVICE**

I hereby certify that on this date a copy of the foregoing document was served on the persons shown on the attached list, by first class mail, postage prepaid.

  
\_\_\_\_\_  
Eric M. Hocky

Dated: November 7, 2013

**A. Persons to Receive Notices under 49 CFR 1152.60(d) and 1152.50(d):**

Maine Department of Transportation  
Office of Freight Transportation, Rail Program  
16 State House Station  
Augusta, Maine 04333

United States Department of the Army  
Military Surface Deployment and Distribution Command  
Transportation Engineering Agency  
ATTN: SDTE-SA (Railroads for National Defense)  
709 Ward Drive, Building 1990  
Scott AFB, IL 62225-5357

U.S. Department of the Interior -  
National Park Service  
RTCA Program (Org code 2240)  
1849 C Street, NW  
Washington, DC 20240

Office of Chief of Forest Service  
U.S. Department of Agriculture  
1400 Independence Ave., SW  
Washington, DC 20250-003

**B. Most Recent Shipper(s):**

B&M Beans (B&G Foods Company)  
One Bean Pot Circle  
Portland, ME 04103